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10/085,568

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Anindya Basu

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01/25/2006

Docket Administrator (Room 3J-219)

Lucent Technologies Inc.

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EXAMINER

NGUYEN, TOAN D

ART UNIT

PAPER NUMBER

2665

DATE MAILED: 01/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/085,568

Applicant(s)

BASU ET AL.

Examiner

Toan D. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8, 11-16 and 18 is/are rejected.
- 7) ☒ Claim(s) 7, 9, 10, 17, 19 and 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/27/02.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 9 and 19 are objected to because of the following informalities:

In claim 9 line 1, it is suggested to change "a best path" to --- said best path ---.

Similar problem exists in claim 19 line 1.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1- 3, 6, 8, 11-13, 16 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Iwata (US 2002/0051449).

For claim 1, Iwata discloses interdomain routing system, the method comprising the steps of:

receiving a first routing message from a peer router of said first router (figure 3, reference 140), the first routing message comprising a first path (figure 3, references AS-A(190), AS-x1 (200), AS-x2 (201), AS-B (192)) from the first autonomous system (figure 3, reference AS-A (190)) to a destination (figure 3, reference router 145 in AS-B (192)), the first path from the first autonomous system (figure 3, reference AS-A(190)) to

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the destination including a second autonomous system (figure 3, reference AS-B (192)), the second autonomous system being a next hop of said first path (page 7, paragraph [0160];

receiving a second routing message from a peer router of said first router, the second routing message comprising a second path from the first autonomous system to the destination (figure 3, references AS-A (190), AS-x3 (202), AS-x4 (203), AS-B (192)), the second path from the first autonomous system (figure 3, reference AS-A (190)) to the destination being different from the first path from the first autonomous system to the destination, the second autonomous system (figure 3, reference AS-B (192)) also being a next hop of said second path (page 7, paragraph [0160]; and

sending a third routing message to one or more internal peer routers of said first router (figure 3, reference 140), said one or more internal peer routers comprised in said first autonomous system (figure 3, references AS-A (190)), the third routing message comprising at least both the first path from the first autonomous system to the destination (figure 3, references AS-A(190), AS-x1 (200), AS-x2 (201), AS-B (192)) and the second path from the first autonomous system to the destination (figure 3, references AS-A (190), AS-x3 (202), AS-x4 (203), AS-B (192)) (page 7, paragraph [0161]).

For claim 2, Iwata discloses wherein the packet-based network comprises the Internet (page 7, paragraph [0150] line 2).

For claim 3, Iwata discloses wherein the first routing message and the second routing message are in conformance with a Border Gateway Protocol (figure 2, page 7 paragraph [0150]).

For claim 6, Iwata discloses wherein the first path and the second path have been selected from a set of paths from the first autonomous system to the destination, each of said paths having said second autonomous system as a next hop thereof (page 7, paragraph [0160]).

For claim 8, Iwata discloses the step of selecting a best path from said first router to said destination, said best path being selected from a set of paths from said first autonomous system to said destination which includes said first path and said second path and which are comprised in said third routing message (page 7, paragraph [0160-0161]).

For claim 11, Iwata discloses interdomain routing system, the method comprising the steps of:

means for receiving a first routing message from a peer router of said first router (figure 3, reference 140), the first routing message comprising a first path (figure 3, references AS-A(190), AS-x1 (200), AS-x2 (201), AS-B (192)) from the first autonomous system (figure 3, reference AS-A (190)) to a destination (figure 3, reference router 145 in AS-B (192)), the first path from the first autonomous system (figure 3, reference AS-A(190)) to the destination including a second autonomous system (figure 3, reference AS-B (192)), the second autonomous system being a next hop of said first path (page 7, paragraph [0160];

means for receiving a second routing message from a peer router of said first router, the second routing message comprising a second path from the first autonomous system to the destination (figure 3, references AS-A (190), AS-x3 (202), AS-x4 (203), AS-B (192)), the second path from the first autonomous system (figure 3, reference AS-A (190)) to the destination being different from the first path from the first autonomous system to the destination, the second autonomous system (figure 3, reference AS-B (192)) also being a next hop of said second path (page 7, paragraph [0160]; and

means for sending a third routing message to one or more internal peer routers of said first router (figure 3, reference 140), said one or more internal peer routers comprised in said first autonomous system (figure 3, references AS-A (190)), the third routing message comprising at least both the first path from the first autonomous system to the destination (figure 3, references AS-A(190), AS-x1 (200), AS-x2 (201), AS-B (192)) and the second path from the first autonomous system to the destination (figure 3, references AS-A (190), AS-x3 (202), AS-x4 (203), AS-B (192)) (page 7, paragraph [0161]).

For claim 12, Iwata discloses wherein the packet-based network comprises the Internet (page 7, paragraph [0150] line 2).

For claim 13, Iwata discloses wherein the first routing message and the second routing message are in conformance with a Border Gateway Protocol (figure 2, page 7 paragraph [0150]).

For claim 16, Iwata discloses wherein the first path and the second path

have been selected from a set of paths from the first autonomous system to the destination, each of said paths having said second autonomous system as a next hop thereof (page 7, paragraph [0160]).

For claim 18, Iwata discloses means for selecting a best path from said first router to said destination, said best path being selected from a set of paths from said first autonomous system to said destination which includes said first path and said second path and which are comprised in said third routing message (page 7, paragraph [0160-0161]).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 4, 5, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iwata (US 2002/0051449) as applied to claims above, and further in view of Bragg (US 2003/0012145).

For claims 4-5, Iwata discloses wherein said first router and said one or more internal peer routers comprised in the first autonomous system are comprised in a set of routers which communicate routes (figure 3, page 7, paragraph [0160-0161]).

However, Iwata does not expressly disclose with use of a route reflection architecture. In an analogous art, Bragg discloses with use of a route reflection architecture (page 1, paragraph [0007]). Bragg discloses further wherein said first router and said one or more internal peer routers comprised in the first autonomous system are comprised in a set of routers which communicate routes with use of a full mesh architecture (page 1, paragraph [0007] as set forth in claim 5).

One skilled in the art would have recognized the route reflection architecture, and would have applied Bragg's internal BGP sessions in Iwata's network paths. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use Bragg's routing for a communications network in Iwata's interdomain routing system with the motivation being to maintain between all border routers belong to the same AS (paragraph [0007]).

For claim 14, the claim is directed to the same subject matter in claim 4. Therefore, it is subjected to the same rejection.

For claim 15, the claim is directed to the same subject matter in claim 5. Therefore, it is subjected to the same rejection.



***Allowable Subject Matter***


7. Claims 7, 9-10, 17, 19 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan D. Nguyen whose telephone number is 571-272-3153. The examiner can normally be reached on M-F (7:00AM-4:30PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Huy Vu can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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PRIMARY EXAMINER